

#3



Immunex Corporation

Docket No.: 2922-A

**DECLARATION**

I, a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe that I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD FOR TREATMENT OF TUMORS USING PHOTODYNAMIC THERAPY**

the specification of which

☐ is attached hereto.

OR

☒ was filed on April 25, 2001 as United States Application No. 09/842,745.

I hereby state that I have reviewed and understand the contents of said specification, including the claims. I acknowledge the duty to disclose information that is known to me and material to patentability of the subject claimed invention in accordance with 37 C.F.R. §1.56.

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☐ I hereby claim the benefit under 35 U.S.C. §120 of the United States application(s) and PCT international application(s) designating the United States that are listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) or PCT international application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Application No.

Filed

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☒ I hereby claim the benefit under 35 U.S.C. §119(e) of the United States provisional patent application(s) listed below:

Application No.  
60/199,545


Filed  
April 25, 2000

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Immunex Corporation  
Declaration

Docket No.: 2922-A

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature   
Inventor William C. Fanslow, III  
Post Office 51 University Street  
Address Seattle, Washington 98101  
U.S.A.  
Residence Normandy Park, Washington U.S.A.  
Citizenship U.S.A.

Date 06-19-01

Signature   
Inventor Elaine K. Thomas  
Post Office 51 University Street  
Address Seattle, Washington 98101  
U.S.A.  
Residence Seattle, Washington U.S.A.  
Citizenship U.S.A.

Date 06-19-01



#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

William C. Fanslow, III, and  
Elaine K. Thomas

Docket No.: 2922-A

Group Art Unit: Unknown

Serial No: 09/842,745

Examiner: Unknown

Filed: April 25, 2001

For: METHOD FOR TREATMENT OF TUMORS USING PHOTODYNAMIC  
THERAPY

**STATEMENT UNDER 37 C.F.R. 3.73(b) AND**  
**POWER OF ATTORNEY BY ASSIGNEE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

IMMUNEX CORPORATION (hereinafter "IMMUNEX"), a corporation of the State of Washington having a place of business at 51 University Street, Seattle, Washington 98101, is the assignee of the entire right, title, and interest in the above-identified U.S. patent application. Documentary evidence of a chain of title from the original owner(s) to Immunex is demonstrated by:

☒ the enclosed copy of an Assignment, the original of which is being filed for recordation by the United States Patent and Trademark Office.

OR

☐ the assignment recorded in the United States Patent and Trademark Office at Reel , Frame .

The undersigned, whose title is supplied below, is empowered to sign this statement on behalf of IMMUNEX.

IMMUNEX hereby appoints the registered practitioners at the following Customer Number to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



**22932**

Immunex Corporation

Docket No. 2922-A

Statement Under 37 C.F.R. 3.73(b) and Power of Attorney by Assignee

Please send all correspondence and direct telephone calls to the above-identified Customer Number.

Respectfully submitted,

Date July 31, 2001

By   
Michael K. Kirschner  
Vice President, Intellectual Property

Enclosure: Copy of Assignment

## ASSIGNMENT

WHEREAS, We, William C. Fanslow, III, residing at Normandy Park, Washington, and Elaine K. Thomas, residing at Seattle, Washington, have made an invention entitled "METHOD FOR TREATMENT OF TUMORS USING PHOTODYNAMIC THERAPY," for which U.S. Patent Application Serial No. 09/842,745 was filed on April 25, 2001;

AND, WHEREAS, IMMUNEX CORPORATION, a corporation of the State of Washington, having a principal place of business at 51 University Street, Seattle, Washington 98101 (hereinafter referred to as ASSIGNEE) is desirous of acquiring the entire right and title to and interest in the invention disclosed in said application;

NOW, THEREFORE, for sufficient, good and valuable consideration, the receipt of which is hereby acknowledged, we do hereby sell, assign, and transfer unto said ASSIGNEE our entire right and title to and interest in said application and said invention(s) and all U.S. and foreign applications and patents on said invention(s) to be held and enjoyed by ASSIGNEE as entirely as the same would have been held and enjoyed by us had this sale, assignment, and transfer not been made, and we do hereby further agree and promise to execute all instruments and render all such assistance as ASSIGNEE may request in order to make and prosecute any and all applications on said invention(s), to enforce any and all patents on said invention(s), and to confirm in ASSIGNEE legal title to said invention(s) and all applications and patents on said invention(s), all without charge to ASSIGNEE but at no expense to us.

Executed at Seattle, Washington, this 19 day of June, 2001.

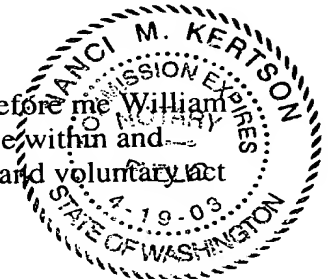
William C. Fanslow III  
William C. Fanslow, III

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

On this 19 day of June, 2001, personally appeared before me William C. Fanslow, to me known to be the individual named above who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.



Nanci M. Kertson  
Nanci M. Kertson

Notary Public in and for the State of Washington.

My appointment expires 4-19-03

COPY

Immunex Corporation  
Assignment

Docket No. 2922-A

Executed at Seattle, Washington, this 19 day of June, 2001.

Elaine K. Thomas

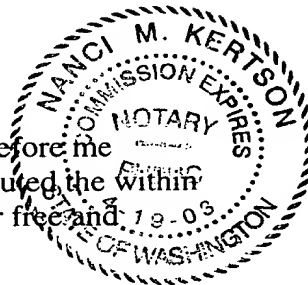
Elaine K. Thomas

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

On this 19<sup>th</sup> day of June, 2001, personally appeared before me Elaine K. Thomas, to me known to be the individual named above who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.



Nanci M. Kertson

Nanci M. Kertson

Notary Public in and for the State of Washington.

My appointment expires 4-19-03